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3622

Champagne, Donald

Group Art Unit:

Examiner:

3622

Attny Dkt No.: 11032-3040



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MERRIMAN, Dwight A. et al

Appl'n No.: 10/082,069

Filing Date: 26 February 2002

For:

NETWORK FOR DISTRIBUTION OF

RE-TARGETED ADVERTISING

Mail Stop AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & § 1.98

Sir:

Under the provisions of 37 C.F.R. § 1.97(b)(3), and in accordance with Applicants' duty of disclosure under 37 C.F.R. § 1.56, Applicants would like to call to the Office's attention the references listed on the attached substitute form PTO-1449 (18 sheets). This filing is intended to replace and supplement the IDS filing of February 26, 2002 in the present application.

Applicants also direct the Office's attention to the following related pending applications, among which the listed references have been cited:

- U.S. Reissue Application No. 09/577,798 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed May 24, 2000, reissue of U.S. Patent No. 5,948,061
- U.S. Application No. 11/250,575 entitled Method and Apparatus for Automatic Placement of Advertising, filed October 17, 2005
- U.S. Application No. 10/254,923 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 26, 2002
- U.S. Application No. 10/798,342 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004
- U.S. Application No. 10/798,340 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004

PATENT

Appl'n No.: 10/082,069

Attny Dkt No.: 11032-3040

• U.S. Application No. 10/798,444 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004

• U.S. Application No. 10/937,341 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 10, 2004

It is respectfully requested that the listed references be expressly considered during the

prosecution of this application, that the Examiner initial each listed reference to evidence its

consideration, and that the references be made of record therein and appear among the

"References Cited" section on any patent to issue therefrom.

Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), Applicants have not provided copies of the listed

U.S. patents and U.S. patent application publications but will do so if required by the Office.

The filing of this Information Disclosure Statement and the enclosed substitute form

PTO-1449 shall not be construed as an admission that the information cited is prior art, or is

considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

As this statement is being filed before the mailing of a first Office action on the merits

pursuant to 37 C.F.R. § 1.97(b), no fee is believed due. Nonetheless, the Office is hereby

authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any

overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter

regarding this application.

Respectfully submitted,

Dated: August 14, 2006

(Reg. No. 44,236)

KENYON & KENYON LLP 1500 K Street, N.W., Suite 700

Washington, D.C. 20005

(202) 220 - 4200 (telephone)

(202) 220 - 4201 (facsimile)

- 2 -

Please type a plus sign (+) inside this box-

AUG 1 4 2006

Modified PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Under the Paperwork Reduction Act of 1995,

(use as many sheets as necessary)

Sheet 1 of 18

Complete if Known				
Application Number 10/082,069				
Filing Date 26 February 2002				
First Named Inventor MERRIMAN, Dwight A.				
Group Art Unit 3622				
Examiner Name Champagne, Donald				
Attorney Docket Number 11032-3040				

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1	U.S. Petent Document Number Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	<u> </u>	4,703,423	BADO et al.	10-27-1987	
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Examiner	Date	
Signature	Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known **Application Number** 10/082.069 Filing Date 26 February 2002 MERRIMAN, Dwight A. First Named Inventor **Group Art Unit** Champagne, Donald **Examiner Name**

(use as many sheets as necessary)

Attorney Docket Number 11032-3040 of Sheet

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Examiner	Date	
Signature	Considered	

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	3	Of	18

Complete if Known			
Application Number 10/082,069			
Filing Date 26 February 2002			
First Named Inventor MERRIMAN, Dwight A.			
Group Art Unit 3622		_4	
Examiner Name Champagne, Donald			
Attorney Docket Number 11032-3040			

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Date	
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	Date Considered

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many	Sileets as	necessary)
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Sheet

Complete if Known			
Application Number	10/082,069		
Filing Date	26 February 2002		
First Named Inventor	MERRIMAN, Dwight A.		
Group Art Unit	3622		
Examiner Name	Champagne, Donald		
Attorney Docket Number	11032-3040		

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Examiner	Date
Signature	Considered

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Substitute	ofor form 1449A/PTC)		Complete if Known		
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INFORMATION DISCLOSURE		Filing Date	26 February 2002			
STATEMENT BY APPLICANT			APPLICANT	First Named Inventor	MERRIMAN, Dwight A.	
				Group Art Unit	3622	
(use as many sheets as necessary)		Examiner Name	Champagne, Donald			
Sheet	5	of	18	Attorney Docket Number	11032-3040	

	г	1			N PATENT DOCUM	i	Pages, Columns, Lines,	
Examiner Initials*	Cite No. ¹	Office ³		ment ind Code ⁵ if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	T ₆
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Examiner	Date	Ì
Signature	Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A/PTO		Complete if Known
	Application Number	10/082,069
INFORMATION DISCLOSURE	Filing Date	26 February 2002
STATEMENT BY APPLICANT	First Named Inventor	MERRIMAN, Dwight A.
	Group Art Unit	3622
(use as mean sheets as necessary)	Europia de Noma	Champagna Danald

(use as many sheets as necessary)

Champagne, Donald **Examiner Name** of 18 Attorney Docket Number 11032-3040 6 Sheet

wo	96/38796	A1	MOHR	12-05-1996	
WO (EP)	96/38796 (0 829 058)	B1	MOHR	03-18-1998	
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	Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Complete if Known Substitute for form 1449A/PTO 10/082.069 **Application Number** INFORMATION DISCLOSURE Filing Date 26 February 2002 STATEMENT BY APPLICANT MERRIMAN, Dwight A First Named Inventor **Group Art Unit** Champagne, Donald (use as many sheets as necessary) **Examiner Name** 11032-3040 18 of Attorney Docket Number Sheet

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ²
		17625888; Java and Blackbird: extending the Web; Seybold Reoport on Publishing Systems; October 23, 1995	
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		Bounty Quest Web page displaying article titled "Digital Porn Mogul Wins Silver Bullet Award; (http://www.bountyquest.com/winner/bschuster.htm; printed on 3/9/01)	
		Bounty Quest Web page displaying article titled "DoubleClick Prior Art; (http://www.bountyquest.com/patentinfo/doucleclickart.htm; printed on 3/9/01)	
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Substitute	for form 1449A/PTO)		Complete if Known		
				Application Number	10/082,069	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date	26 February 2002			
		First Named Inventor	MERRIMAN, Dwight A.			
				Group Art Unit	3622	
	(use as many she	ets as	necessary)	Examiner Name	Champagne, Donald	
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STA	TEMENT	TBY AP	PLICANT	First Named Inventor	MERRIMAN, Dwight A.	
				Group Art Unit	3622	
(use as many sheets as necessary)				Examiner Name	Champagne, Donald	
Sheet	9	of	18	Attorney Docket Number	11032-3040	

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		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
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		DAVID E. ZINMAN (founder of FocaLink), Deposition Transcript from <i>DoubleClick, Inc.</i> v. <i>L90, Inc.</i> , 00 Civ. 2690, S.D.N.Y.	
		RONALD A. KOVAS (CEO of FocaLink), Deposition Transcript from <i>DoubleClick, Inc.</i> v. <i>L90, Inc.</i> , 00 Civ. 2690, S.D.N.Y.	
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STA	TEMENT	BY AP	PLICANT	First Named Inventor	MERRIMAN, Dwight A.
				Group Art Unit	3622
(use as many sheets as necessary)				Examiner Name	Champagne, Donald
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				Group Art Unit	3622
(use as many sheets as necessary)				Examiner Name	Champagne, Donald
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Saturn Ad Placements; September 28, 1995; David Zinman; Z00086 / SD027157	
RE> Saturn Ad Placements; September 29, 1995; Adam@utne.co; Z00087 / SD027158	
RE: Advertising Update; October 3, 1995; Eric Ver Ploeg; Z00088-Z00089 / SD027159-SD027160	
RE>>Saturn Ad Placements; September 29, 1995; wigley@utne.com; Z00090 / SD027161	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number 10/082,069 Filing Date 26 February 2002 MERRIMAN, Dwight A First Named Inventor 3622 Group Art Unit Champagne, Donald **Examiner Name**

(use as many sheets as necessary)

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Re: FocaLink Meeting (fwd); Nov. 20, 1995; Karen Johnson; Z00124-Z00125 / SD027192- SD027193
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(use as many sheets as necessary)		Examiner Name	Champagne, Donald			
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Info on FocaLink Media Services; December 11, 1995; David Zinman; Z00152-Z00154 / SD027217-SD027219
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RE> **Ad Placement Notific; January 19, 1996; Dan_Stoller@anlsf.com; Z00172-Z00173 / SD027237-SD027238
Invitation; January 25, 1996; wilkins@eit.com; Z00174 / SD027239
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HeadsUp 02-09-96 (20 stories) <cd58m010>; February 9, 1996; An Information Service of Individual Inc.; Z00209-Z00212 / SD027274-SD027277</cd58m010>
Focalink Communications; February 13, 1996; David Zinman; Z00213 / SD027278
Targeting; February 13, 1996; Michael Wang; Z00214 / SD027279
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Answer to your request; April 8, 1996; Z00223 / SD027288
Site Letter; April 10, 1996; Z00224-Z00225 / SD027289-SD027290

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Examiner	Date	
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Substitute for form 1449A/PTO Complete if Known 10/082,069 **Application Number** INFORMATION DISCLOSURE Filing Date 26 February 2002 STATEMENT BY APPLICANT First Named Inventor MERRIMAN, Dwight A Group Art Unit (use as many sheets as necessary) Champagne, Donald **Examiner Name** Sheet 17 of 18 Attorney Docket Number 11032-3040

	Oracle and Intel; April 12, 1996; Z00226 / SD027291	
	Doubleclick; April 16, 1996; Z00227 / SD027292	
	Open Market Licenses With NetGravity; May 6, 1996; Z00228 / SD027293	
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				Application Number	10/082,069		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Filing Date	26 February 2002		
				First Named Inventor	or MERRIMAN, Dwight A.		
				Group Art Unit	3622		
				Examiner Name	Champagne, Donald		
Sheet	18	of	18	Attorney Docket Number	11032-3040		

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"FOCALINK"; DC004278A	
"FocaLink Services"; FocaLink Media Services, Inc.; DC004278B-DC004278C	
"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278D-DC004278CC	
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" <u>Link Marketing"</u> ; handwritten page; MA0001	
"Link Marketing"; LinkMarket; MA0002-MA0007	
"LinkMarket"; David Zinman et al.; MA0008-MA0027	
"Link Marketing, LLP"; MA0028-MA0029	
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"Executive Summary"; Focalink Communications Confidential"; printed 7/30/97; MA0054-MA0109	
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Signature	Considered	

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